

CITY OF NEWBERG COUNCIL MINUTES
OCTOBER 15, 2007
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Robert Soppe	Roger Currier
	Mike Boyes	Jeff Palmer	Bart Rierson
	Bob Larson		

Staff

Present: Terrence Mahr, City Attorney/City Manager Pro Tem
Dan Danicic, Public Works Director
Larry Fain, Senior Engineer
Elaine Taylor, Associate Planner
Barton Brierley, Planning and Building Director
Becky Green, Human Resources Manager
Norma Alley, City Recorder
Jennifer Nelson, Recording Secretary

Others

Present: Bob Stewart, Waultrout Kinder-Gertson, Mary Wheeler, Jon Mangis, Norma Green, Joyce Damman, Michael T. Ard, Julie Fugate, Grace Schaad, Lewis Schaad, Mike Stuhr, Lee Does, Garren Ingram, Rob Roholt, Larry Bowe, Pamela Weaver, Jim Hanks, Glenn Ferris, Dana White, John Bridges, John F. Hickert, Margaret L. Hickert, Terry D. Cole, Marc A. Butorac, Nancy J. Boyer

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

None.

V. COUNCIL APPOINTMENTS

None.

VI. PUBLIC COMMENTS

Bob Stewart and Waultrout Kinder-Gertson from Poysdorf, Austria expressed gratitude to the Newberg City Council for their hospitality.

VII. CONSENT CALENDAR

1. Consider a motion approving the City Council Regular Session Minutes for September 17, 2007.
2. Consider a motion approving a Proclamation declaring October 21-27, 2007, as Newberg Library Friends Week.

MOTION: Currier/Palmer to approve the two items on the Consent Calendar including the City Council Regular Session Minutes for September 17, 2007, and a Proclamation declaring October 21-27, 2007, as Newberg Library Friends Week. (Unanimous) Motion carried.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2734** requesting a hardship water connection for service outside of the City Limits for Jan and Mary Wheeler at 23600 Dillon Road.

This item was heard out of original agenda order.

Mr. Larry Fain, Senior Engineer, presented the staff report (see official record for full report).

Councilor Bob Larson asked how the other wells are performing in this area and if approving this request will mean Council has to do the same thing for the ten to fifteen others.

Mr. Fain stated he could not address the others and the water district is currently serving several homes in the area; this is a hardship water connection.

Councilor Robert Soppe asked if staff had looked into services that deliver potable water and how expensive this is.

Mr. Fain replied no research was completed on this topic. He explained since water lines were already there, this avenue was pursued. The problem is existing owner cannot sell the land unless water is available.

Councilor Soppe inquired about System Development Charges (SDCs) and if there were clear policies concerning what the property owner will pay. Staff said there was and they will pay the water SDC.

Councilor Jeff Palmer asked if the homeowner pays for the full cost of the extension of water and the 50% surcharge.

Mr. Fain replied Northwest Water District is paying the surcharge and install a meter connection; the residents will pay the SDC.

MOTION: Larson/Currier to approve **Resolution No. 2007-2734** requesting a hardship water connection for service outside of the City Limits for Jan and Mary Wheeler at 23600 Dillon Road. (Unanimous) Motion Carried.

IX. CONTINUED BUSINESS

Consider a motion approving **Ordinance No. 2007-2681** amending the Newberg Urban Reserve Area.

This item was heard out of original agenda order.

Ms. Elaine Taylor, Associate Planner, presented the staff report and amendments (see official record for full report).

Councilor Soppe recommended some changes concerning the potential school site, adding “other educational uses” into the language. He also asked about the process after approval.

Mr. Barton Brierley, Planning and Building Director, replied he would submit the amendments to the Department of Land Conservation and Development (DLCD) for review; they will decide to approve, remand back to the City, or refer onto the DLCD commission for a hearing.

Mayor Andrews reminded everyone the record had been closed at the previous meeting and only directions given to staff for amendments were being considered.

Councilor Soppe asked staff to explain the term “priority” lands. Staff explained the City had to follow the established hierarchy of priorities from highest to lowest unless there was a listed exception. An argument must be provided if the City wants to include lower priority land first.

Councilor Bart Rierson stated if property owners resistant to annexation, then it would be pointless to continue with the process of bringing them into the Urban Reserve Area (URA) and Urban Growth Boundary (UGB). He suggested this as justification for not including land in City planning that may ultimately be unavailable.

MOTION: Larson/Currier to approve **Ordinance No. 2007-2681** amending the Newberg Urban Reserve Area.

Councilor Soppe offered sympathy for residents not wishing to be included but stated the only reason allowed by state law is that future urban services cannot be provided. He expressed concern for placing the process at risk and giving the DLCD ammunition to remand. He spoke of the industrial land that cannot be included as planned by the Ad Hoc Committee unless the land residents wish to keep out is included.

Councilor Currier stated this decision is what the people want, it is for the good of the community, and it is supported by the County Commissioner. He felt this made it appealing for approval.

Councilor Soppe asked if there was any example of a URA amendment that has been able to bring in land out of order. Staff replied there were not that many cases.

Councilor Larson stated his favor due to the need for a new high school.

Mayor Andrews said the statute is an interpretation of the DLCD and asked the City Attorney if this could be overturned. He replied it could be.

VOTE: To approve **Ordinance No. 2007-2681**, as amended. (6 Yes/1 No [Soppe]) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion approving **Ordinance No. 2007-2682** adopting the Newberg Southeast Transportation Plan.
(Legislative Hearing)

Mayor Andrews called for any biases, conflicts of interest, ex parte contact, or abstentions.

Barton Brierley, Planning and Building Director, presented the staff report with assistance from **Michael T. Ard** of Lancaster Engineering, **Terry D. Cole** from the Oregon Department of Transportation (ODOT) and **Marc A. Butorac** of Kittelson and Associates, Inc. and recommended approval (see official record for full report).

Councilor Palmer asked about two million dollars estimated in phase one of Corral Creek Road north from the east/west collector and the differences in cost according to whether the Newberg-Dundee Bypass occurs. Discussion followed concerning design and final costs anticipated if the Bypass is constructed; without the bypass the cost is six million, with is eight. Irregularities in the numbers where also pointed out.

Councilor Soppe mentioned conversations concerning County contributions, SDC increases, and regional SDC's to provide additional funds.

Mr. Michael T. Ard, Senior Transportation Engineer for Lancaster Engineering, clarified several different scenarios for crossing 99W and making connections to and from the east.

Mayor Andrews asked for a chronology of the phasing. Staff replied that was left open because the URA plan is to the year 2040 and there is no urgency to build at this time.

Councilor Currier spoke of the new north/south road and its intended connection at 99W; questioning what ODOT's forecast was if there was not Bypass since there is already too much traffic on 99W.

Mr. Brierley replied the plan was developed to work regardless of the timing of the Bypass. If the Bypass is not built and traffic builds on 99W, eventually 99W will not meet standards and improvements will have to occur, like adding lanes and capacity to 99W and Springbrook Road.

Mayor Andrews asked if the Transportation Plan was a dynamic document which can be amended in the future. Staff agreed.

Councilor Currier asked about the capacity on Corral Creek Road.

Mr. Ard replied there were very few travelers on this road and it was underutilized; it is also a narrow road and accommodating pedestrians, tractors, etc. could cause problems. He insisted the

modeling and solutions to capacity issues were dependent on appropriately designed intersections. The maximum is 3,200 cars per hour or 1,700 in a single direction, the intersection can handle 900 per hour.

Councilor Soppe questioned the solution of cutting off the intersection at Corral Creek and 99W and safety concerns with that.

Mr. Ard spoke of safety issues with congestion and delays for side streets causing driver impatience, resulting in inappropriate gaps being chosen for turns. He stated there may be other options if the Bypass is not constructed, such as signalization; but, there were concerns about stopping trucks as they head up the hill.

Councilor Soppe mentioned the transportation plan conflicts with some of the model alternatives and asked for his perspective.

Mr. Ard replied they analysis shows the system could work with or without the Bypass and a primary east/west connection is to reduce the amount of travel access to 99W.

Discussion continued concerning the numbers in the plan for traffic on Hayes to Brutscher and Hayes connecting with Providence Drive. It was mentioned the models were not explored in detail, but will be analyzed in depth. Some alternatives were ruled as unrealistic; alternatives one and four were assumed to be more plausible. All modeling also assumes the Bypass will be constructed.

Public testimony opened.

Proponents:

Ms. Julie Fugate represented herself and others in support of the SE Transportation Plan. She stated access to 99W is dangerous at Corral Creek Road and advocates for an east/west connection. She also suggested a pedestrian bridge for Providence Drive. She also felt that Fernwood should be considered for improvement as quickly as possible, within the first phase, because there is already development there and only one boundary to the city limits.

Councilor Soppe asked her to clarify what exactly is dangerous, the level of traffic or the speed.

Ms. Fugate replied it was the traffic on 99W itself that drifts towards drivers intending to turn left or right from the center. She also cited speed and increased traffic from the Greens and the golf course as well as a blind hill.

Ms. Grace Schaad discussed the numbers of trips being made per day and stated they cannot be accommodated by the current system. She spoke of significant concerns for the impact of development in the southeast area on 99W. She urged Council to support the Newberg Urban Area Management Commission (NUAMC) for the east/west connector, new north/south construction between Wilsonville Road and 99W, and a controlled intersection at the bottom of Rex Hill. She spoke of items from the June 11th, 2007 NUAMC minutes not being included in the report and original plans for the Greens including a bridge being removed. She also felt once the master plan is developed for the southeast, any deletions or modifications should not occur without a public hearing.

Mr. Lewis Schaad thanked NUAMC and offered support for the north/south road in option C of the document. He also felt the 24/7 four-way stop at the golf course should be limited to daylight hours only.

Mr. Mike Stuhr stated his support for the plan and spoke about the phasing being dependent on economics. He felt the phasing should not be too rigid. He asked to make sure the dots are connected on infrastructure. He encouraged all to determine what the community wants and make ODOT deliver the Bypass.

Mr. Lee Does said he supported the north/south approach and anything to direct traffic away from Corral Creek Road and Renne Road. He asked Council to think about if trying to get more houses and people or maintain livability. He felt the concept of using Hayes and Brutscher to get onto 99W looked well on the map, but was concerned for the retirement community and that area not being pedestrian friendly with high volumes of traffic. He also spoke of closing Renne Road at Wilsonville since residents would prefer to access town rather than Wilsonville.

Mr. Garren Ingram said the plan is good, but there are a lot of problems and he is glad it is a dynamic plan not a static one. He spoke of his desire to have the east/west road run along the property line rather than through the middle of his house and cutting his property in half. He asked the plan be considered with flexibility.

Opponents:

Mr. Robert Roholt expressed some concerns about the plan because of timing and so much being unknown, like the status of the Bypass. He agreed there was a need for a north/south route. He felt speed was the issue on Corral Creek Road and spoke of problems with people sliding on the gravel. He does not want Renne Road closed.

Mr. Larry Bowe, Chief Executive at Providence Medical Center, spoke of the hospital increasing in staff and services and it being an economic engine for Newberg. The only problem he has with the transportation plan is the traffic intended to go through the middle of the hospital complex. He felt with new buildings and amount of pedestrians crossing between buildings, less traffic on Providence Drive would be best.

Ms. Pam Weaver, Nurse Manager at Providence Medical Center, mirrored concerns for the increasing traffic through campus that is not medically related. She spoke of a doctor previously being hit by a car and expressed concerns for pregnant women and children competing with traffic.

Mr. Jim Hanks, a Traffic Engineer representing Providence Medical Center, he supported the opinion that bringing traffic through the center of a medical campus would hurt the hospital and degrades the intersection, requiring costly improvements. He spoke of the Medical Center's trip cap and stated that mitigating that 50% increase would place a large burden on the hospital. He felt there was a lack of physical space for a left turn pocket that would be needed. He also spoke of people being under stress and in a hurry going through the campus.

Councilor Soppe asked about building a pedestrian bridge.

Mr. Hanks said it would resolve some pedestrian issues, but not the drivers coming into the complex under stress; they are also extremely expensive.

Councilor Currier stated they had to determine the most efficient use of the land with the least impact and he felt this services the needs of a lot more people by helping traffic.

Mr. Hanks replied the Council has to look at the welfare of all citizens in city and balance the issues. He said the long range future of health care in the community depends on efficient operation of this hospital and traffic through the middle of their complex would create operational difficulties.

Discussion continued concerning the trip cap for the Medical Center which cannot exceed 700 vehicles out of the driveway. It was argued that the traffic would not count against the trip cap, since it is not coming out of their driveways, but mitigation would be the problem.

Mr. Glenn Ferris said this was the first time southeast regional residents outside of the city were notified or invited to come and he was thankful. He felt accommodating traffic from the regional area needs to be considered because of children attending schools having to travel on the bus for an hour and ten minutes everyday. He spoke of needing more east/west routes and problems with other roads being closed. He said closing Renne Road would prevent access to Wilsonville and Fernwood.

Ms. Dana White, Providence Health System, spoke about St. Vincent Hospital and problems they have had with traffic through the campus. She said the pedestrian bridge solution would have to be creative, 3-4 stories in height, heated, with elevators. She said it was not as easy as a foot bridge. She said 50% more traffic is a safety issue and would be damaging to the services, development, and integrity of the campus. She read a letter to be included in the public record (see official record for full report).

Plans for the new facility were discussed and the details of the type of pedestrian bridge that would be necessary.

Mr. John Bridges, Attorney, spoke of the plans for the road through the medical campus would place a tremendous financial burden on a large economic engine in this community. He spoke of the benefits they provide to the community now and what they plan to provide in the future. He felt protecting the hospital is what is best for the City. He mentioned ODOT would not build the underpass from Frontage Road to Crestview Road if this connection is made from Corral Creek Road to Providence Drive.

Close public testimony.

Mr. Brierley recommended approval.

Councilor Currier asked if there was flexibility for alignment. Staff replied there was.

Mayor Andrews asked about protection of wetlands being crossed. Staff stated they must show there is not reasonable alternative and must avoid impacts when crossing wetlands. He also asked representative from ODOT if the east/west connector to Providence Drive would put a stop to the underpass planned.

Mr. Terry Cole replied that would be true due to a cost of cure issue. He spoke of how possible solutions with or without the Bypass, but stated ODOT is still pursuing the Bypass so alternatives are not being pursued.

Councilor Soppe asked him to address the ODOT letter concerning cost of the east/west road and the contribution from ODOT.

Mr. Cole estimated \$5 to \$10 million if a 20 year horizon and no Bypass and about \$7.9 million in costs if the Bypass goes through, plus another \$2 million. He also discussed the intersection at Brutscher being relieved with the Bypass taking more traffic off the local system. He mentioned new numbers will be finished up in the next 2-3 weeks.

Councilor Soppe expressed concern for the high costs of the east/west road when the Bypass is intended to go through it. He spoke of option 3 being favored and the solution comes with the Bypass, giving an underpass to north Frontage Road. He said the arguments made by Providence Health Center were compelling. He felt the solution was good, but it should wait.

Councilor Palmer desired to see what ODOT had to say and the see the numbers.

Councilor Currier spoke of the plan being a year 2040 plan and felt the Bypass would not be a reality, so safe routes need to be created now.

Mayor Andrews expressed concerns for a north/south connection knowing Brutscher was not meandering as it was supposed to be.

MOTION: Soppe/Palmer to table the decision until November 19th when more information will be available from ODOT. (Unanimous) Motion carried.

Terrence Mahr, City Attorney, mentioned this would effect the Urban Reserve Area (URA) decisions since it is contingent on the Transportation Plan, so it will hold it being moved onto County.

Mr. Brierley inquired as to whether other parties could submit additional material to the record.

Mayor Andrews replied the record could be re-opened, but it was currently closed

2. Consider a motion approving **Resolution No. 2007-2735** approving Supplemental Budget #1 for the 2007/2008 Budget.
(Legislative Hearing)

This item was postponed until November 5th.

X. NEW BUSINESS

2. Consider a motion approving **Resolution No. 2007-2736** appointing a manager pro tem until employment of manager pro tem for the interim of recruiting and hiring a city manager.

Ms. Nancy Boyer, Director of the Mid-Willamette Valley Council of Governments (COG), spoke to the Council about her experiences in hiring City Managers and how she could assist the City in the recruitment process.

Councilor Soppe asked about costs.

Ms. Boyer replied the cost would be \$4,800, including a background check on five finalists. This would not include the cost of advertising and bringing candidates in.

Mayor Andrews asked if she could provide a salary study for comparison. She said she could at no additional cost.

Becky Green, Human Resources Manager, asked if she would assist with the development of brochures. She replied she could assist with language if staff put it together.

Mr. Mahr asked if she would work with the Council to develop a filter to look at applicants.

Ms. Boyer recommended developing criteria to assist in initial screening.

Councilor Rierson presented the resolution and mentioned the former police chief, Bob Tardiff, expressed interest in the position (see official record for full report).

MOTION: Larson/Soppe to approve **Resolution No. 2007-2736** designating the city attorney to serve as manager pro tem due to the vacancy of the city manager's office and to serve until a pro tem manager is appointed who will serve during the recruitment process for the city manager position.

Councilor Soppe spoke of reservations about having a pro tem manager because of inefficiency of teaching the position to two different people.

Councilor Mike Boyes asked if the City would be able to offer more than 20 hours a week if needed.

Mayor Andrews replied that was what the contract was negotiated for but it can be amended.

VOTE: To approve Resolution No. 2007-2736. (Unanimous) Motion carried.

XI. COUNCIL BUSINESS

Consider a motion to support the Public Safety Building Training Room A/V Subcommittee recommendation.

This item postponed to an undetermined future date.

XII. EXECUTIVE SESSION

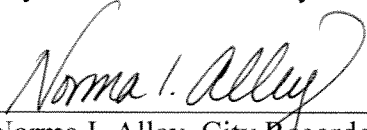
Executive session pursuant to ORS 192.660(2)(a) to consider the employment of a public officer, employee, staff member or individual agent.

Council did not go into Executive Session deliberation.

XIII. ADJOURNMENT

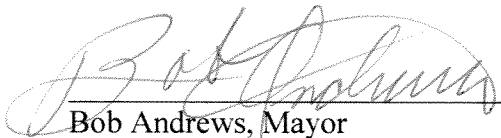
MOTION: Larson/Rierson to adjourn at 12:53 AM (7 Yes/0 No) Motion carried.

ADOPTED by the Newberg City Council this 19th day of November, 2007.



Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of November, 2007.



Bob Andrews, Mayor